IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

THE CINCINNATI INSURANCE COMPANY, and APPLIED TECHNICAL SERVICES, INC. Plaintiffs,	\$ \$ \$ \$ \$ \$ \$ \$	Case # 3:11-cv-01169
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UNITED STATES LIABILITY INSURANCE	§	•
COMPANY d/b/a UNITED STATES	8	
LIABILITY GROUP,	8	
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Defendant.	§	

UNITED STATES LIABILITY INSURANCE COMPANY'S MOTION FOR SUMMARY JUDGMENT

Comes now United States Liability Insurance ("USLI"), by and through counsel, pursuant to Federal Rule of Civil Procedure 56 and moves this Honorable Court for an order granting it summary judgment. Defendant would show that there are no disputes of material fact and that it is entitled to a judgment as a matter of law for the following reasons: (1) USLI is not liable to Plaintiff because Defendant Applied Technical Services, Inc. failed to provide notice of the claims against it as soon as practicable, which is a condition of the policy at issue; and (2) there is no coverage under the policy at issue because the "wrongful acts" by Applied Technical Services, Inc. and the "economic loss" did not both occur during the policy term.

In support of this motion, Defendant contemporaneously herewith files its Memorandum in Support and its Statement of Undisputed Material Facts. In addition, USLI

attaches as Exhibit "A" the affidavit of E. Metts Hardy.

WHEREFORE, premises considered, Defendant USLI requests an order of this Honorable Court granting it a judgment as a matter of law and dismissing Plaintiffs' case with prejudice.

Respectfully submitted,

Baker, Kinsman, Hollis, & Clelland, P.C. 701 Market Street First Tennessee Bldg., Suite 1500 Chattanooga, TN 37402-4825 (423) 756-3333

By: s/N. Mark Kinsman

N. Mark Kinsman, BPR 6039

Attorneys for Defendant

CERTIFICATE OF SERVICE

John M. Neal THE NEAL LAW FIRM P.O. Box 51930 Knoxville, TN 37950

All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

Baker, Kinsman, Hollis & Clelland, P.C.

By: s/N. Mark Kinsman